

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN OHIO
EASTERN DIVISION

GARY LEE DEFLUITER,

Petitioner,

v.

Civil Action 2:09-CV-281
Judge Smith
Magistrate Judge King

CHILLICOTHE CORRECTIONAL
INSTITUTION,

Respondent.

ORDER

On May 14, 2009, the United States Magistrate Judge issued a *Report and Recommendation* recommending that this action be transferred to the United States Court of Appeals for the Sixth Circuit as a successive petition. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**.

This action is hereby **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition.

s/George C. Smith
George C. Smith, Judge
United States District Court